

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

COOK

75-CR-87

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
THE UNITED STATES vs. 1. Thomas Jefferson Henderson, Jr., (28) and 2. Otis Elmer Brimer, (40) <div style="text-align: right;">Defendants.</div>	For U. S.: Hubert H. Bryant Asst. U.S. Attorney Ronald H. Mook (Henderson-appeal) 1634 S. Boulder 583-7094 (74119) For Defendant: James E. Frasier, Ret.-Henderson Beacon Bldg. Tulsa, OK 74103 584-4724 Kenneth Stainer, Appt.-Brimer Mayo Bldg., Tulsa, 74103 584-6404
Deft. Henderson on bond, address is: 3235 E. Archer Tulsa, OK 74110 No phone 926-6116 Brimer Phil Frazier (Appt) 1424 Terrace Dr. Tulsa Tulsa, OK 74119 -Surety is: Maxine Chenhall 624 So. Denver Tulsa, OK 74119	

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed 7-1-75	Clerk		(Surety-Henderson-Appeal)		
J.S. 3 mailed 10-1-75 ^{Δ-2} 11-1-75 Δ-1	Marshal		Thomas P. Bouldin 215 W 5th, P. O. Box 3151 Tulsa 74101 (583-7774/582-4800)		
Violation Bank robbery & incidental crimes Title 18	Docket fee				
Sec. 2113(a)		7/7/77	(Thomas S. Crewson-for Henderson) Fifth Floor Mid-Continent Bldg. Tulsa, OK 74103	585-1181	
1 Count (\$5,000 &/or 20 Yrs)					

DATE	PROCEEDINGS
6-17-75	Indictment, filed in Open Court. v
6-17-75	Record vote of the Grand Jury, filed in Open Court. v
6-19-75	Info. sheet on Deft. Henderson, filed. v
6-19-75	Appearance Bond of Deft. Henderson in amount of \$5000, surety, filed w/conditions of release. (MLB-Mag)v
6-19-75	MO: Ordered by the Court that this case is set for Arraignment on 6-27-75 at 10:00 a.m. (HDC-J)v -notices mld.
6-20-75	Warrant for Arrest, ret. & filed: deft. Thomas Jefferson Henderson arrested at Tulsa, Ok. on 6-19-75; taken before Mag. Bradford and released on \$5000 surety bond. g
6-27-75	Case called for arraignment. Parties pre. & rep. by counsel of record. Defs. ack. receipt of indictment; advised of charge and arraigned. Defs. Henderson and Brimer enter pleas of NOT GUILTY. Defs. to 7/10/75 to file motions; govt. 5 days to respond. Case set for trial for 8/5/75. Def. Henderson to stand on present bond; def. Brimer's req. for reduction of bond denied. Brimer remanded to USM. (HDC-J)rm

DATE	PROCEEDINGS
	(Brimer)
7-1-75	Deft's/motion for change of counsel, filed. hm (Phil Frazier apptd. 7-3-75)
7-2-75	Appl. of Kenneth Stainer, Court-Appointed Atty. for Deft. Brimer, to Withdraw as Court-Appointed Atty., filed. O to J
7-3-75	Order, filed, granting leave for Ken Stainer to withdraw as ctappt counsel for def., Brimer. (HDC-J)rm - copies mailed
7-3-75	Deft's motion for rehearing (Brimer), filed. hm
7-3-75	Hearing on deft. Brimer's motion for rehearing of reduction of bail set 7-8-75 at 2:45 p.m. (HDC-J)hm
7-7-75	Deft. Henderson's motion for discovery and inspection, filed.k
7-7-75	Deft. Henderson's brief in support of mot. for disc. & inspec., filed.k
7-8-75	Case called for hearing on reduction of bail of deft. Brimer. Deft. present & represented; govt. represented. Parties request matter be passed. Court grants request & sets case for hearing on 7-17-75 at 9:30 a.m. Parties to present stipulation re reduction of bail and Court may rule summarily. (HDC-J)hm
7-11-75	Case set for hearing on motion for discovery & inspection of deft. <u>Henderson</u> 7-17-75 at 10:00 a.m. (HDC-J)hm
7-14-75	Govt's response to deft. Henderson's Motion for discovery & inspection, filed.k
7-16-75	Appl. of def. to withdraw mo/bond reduction, filed. rm (Brimer)
7-17-75	Order, filed, that mo/bond reduction of def. Brimer is dismissed, vacated, set aside & held for naught. (HDC-J)rm-copies md.
7-17-75	Case called for hearing on deft. <u>Henderson's</u> mo/discovery & inspection. Deft. present and represented; govt. represented. Motion moot, since information requested has been provided by govt. (HDC-J)hm
7-17-75	Order, filed, that def. mo/discovery & inspection is now moot. (HDC-J)rm-copies md
8-4-75	Motion of pltf. & deft. for continuance of trial, filed.
8-4-75	Order (part of motion) continuing trial to next jury docket, filed. (HDC-J)g
8-22-75	Case set for jury trial as to both defts. 9-29-75 at 10:00 a.m. (HDC-J)hm
9-2-75	Case called for change of plea of deft. <u>Otis Elmer Brimer</u> . Deft. present and represented; govt. represented. Deft. changes plea from Not Guilty to GUILTY. Jury waiver signed and filed in open court. Indictment read. Deft. adjudged GUILTY as charged. Deft. & counsel asked if they care to say anything before sentence is pronounced. Judgment and Sentence - <u>Otis Elmer Brimer</u> (Age 42) Atty. Gen. - Five (5) Years, to run concurrently with sentence imposed in case No. 75-CR-83. Deft. remanded to custody of U.S. Marshal. (HDC-J)hm
9-2-75	Judgment and commitment of deft. <u>Brimer</u> , filed and entered. (HDC-J)hm
9-2-75	Two c/c of J&C delivered to U.S. Marshal. hm
9-30-75	Jury trial as to deft. <u>Henderson</u> held Sept. 29 & 30. Deft. present and represented; govt. represented. Parties announce ready. Jury empaneled and admonished. Rule invoked at request of deft. Pltf. makes opening statement. Deft. defers same until close of pltf's case. Pltf. presents case in chief w/test. of witnesses. Pltf. exhibits admitted. Pltf. rests. Deft. presents case in chief w/test. of witness. Deft's ex. #1 admitted. Deft.

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CRIMINAL DOCKET

DATE	PROCEEDINGS
	rests. Parties rest. Closing arguments made. Instructions given by the Court. Bailiff sworn. Jury retires to deliberate at 11:32 a.m. on Sept. 30. At 12:40 p.m. Ct. orders jury to go to lunch at govt. expense. (1:45 p.m.) Jury returns from lunch to continue deliberating. 1:50 p.m. Jury returns to courtroom w/question from foreman asking for test. of Susan Preston & Otis Brimer to reread. Court denies request & directs jury to resume deliberations. Jury returns w/verdict at 4:20 p.m. finding deft. GUILTY as charged. Verdict ordered received, read and filed in open court. Jury discharged. Sentence set 10-28-75 at 9:30 a.m. and deft. allowed to stand on present bond. (HDC-J)hm
9-30-75	Trial exhibits, filed. hm
9-30-75	Note from foreman of jury, filed in open court. hm
9-30-75	Instructions to the jury, filed in open court. hm
9-30-75	Verdict, finding the deft. GUILTY, filed in open court. hm
10-10-75	Order, filed, overruling mot. for reduction of sentence of Deft. Otis Elmer Brimer. (HDC-J)v
10-16-75	Return on J&S of Deft. BRIMER, filed. Executed by delivering said Deft. to Fed. Pen. at Leavenworth, KS, on 10-11-75. v
10-28-75	Case called for sentence as to deft. HENDERSON. Deft. present and represented; govt. represented, Deft. & counsel asked if they care to say anything before sentence is pronounced. Judgment and Sentence - THOMAS JEFFERSON HENDERSON, JR. (Age 28) Atty. Gen. - Five (5) Years Deft. advised of right to appeal. Deft. gives oral notice of appeal. Appeal bond raised to \$10,000 cash or corporate surety. Deft. remanded to custody of U.S. Marshal. (HDC-J)hm
10-28-75	Judgment and Commitment order, filed and entered. (HDC-J)hm
10-28-75	Two c/c of J&CO delivered to U.S. Marshal. hm
10-29	Appearance Bond of Deft. HENDERSON in amount of \$10,000.00, surety, filed w/conditions of release. (CSB-Mag)v
11-6	Notice of appeal by def. Henderson from J&S of 10/28/75, filed. rm copy to USCA
11-18	Designation of record on appeal, filed. rm
11-17	Notice of Deft. Henderson to court reporter, filed. ph
11-28	Ltr. of Deft. Otis Brimer to Judge Cook, filed. tc
11-28	Odr. o/r sec. mot. for reduction of sentence of deft., Otis Brimer, filed (HDC-J)tc
11-26	Reporter's Transcript of Proceedings, orig. & one, filed. tc
12-5	Appeal record (2 vols) transmitted to USCA. rm (re Henderson)
7-5-77	Mandate and Opinion of 10th Circuit, filed and spread of record, affirming judgment of this court and directing deft. to surrender himself within 10 days from this date. rm (letter to deft., counsel and USM)
7-6-77	Deft. Henderson's motion for admission to probation and for reduction of sentence, filed. ph (O to J)
7-11	Orig. appeal record (2 vols) received from USCA. rm

DATE	PROCEEDINGS
7-11-77	Order, filed and entered, that motion for reduction of sentence of deft. Henderson is overruled. (HDC-J)hm (copies mailed)
8-8-77	Second motion of deft. Henderson for admission to probation and for reduction of sentence or for sentence under 18 USC 4108(a)(2), filed. rm
8-25	Return on USM service of J&C on THOMAS JEFFERSON HENDERSON, filed. Executed by delivering deft. to FCI at El Reno, OK, on 8-3-77, and by delivering deft. to MCFP at Springfield, MO, on 8-12-77.k
9-1	Order, filed and entered, that term of imprisonment heretofore imposed upon deft. Thomas Jefferson Henderson, Jr., is hereby reduced from (5) five years to two and one-half (2 1/2) years. (HDC-J)ph cps mld cc to warden at Springfield
9-22	Third motion for admission to probation, pursuant to Rule 35, re Henderson, filed. rm <i>filed 9-22-77</i>
9-22	Pltf's response in opposition to deft. Henderson's third mot. for admission to probation, filed.k
9-26	Order, filed, that deft/ ^{Henderson's} first, second and third motions for admission to probation are overruled. (HDC-J)ph cps mld
1-8-79	Pltf. exhibits returned. (letter form)ho
1-9-79	Deft. Henderson exhibits returned. (letter form)ho